

Exhibit R



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May 26, 2017

BY EMAIL AND FEDERAL EXPRESS

Jerry Passaro, CEO
Concussion Case Management, LLC
206 Packets Court, Suite A
Williamsburg, VA 23185

*Re: Cease and Desist Letter – False and Misleading Statements Regarding the
NFL Football Players’ Concussion Injury Litigation Settlement*

Dear Mr. Passaro:

I am the court-appointed Co-Lead Class Counsel in *In re National Football League Players’ Concussion Injury Litigation*, the multidistrict litigation in the U.S. District Court for the Eastern District of Pennsylvania before the Honorable Anita B. Brody. I was the principal negotiator of the nationwide class action Settlement Agreement (“Settlement”) whose approval survived its final judicial challenge with the U.S. Supreme Court’s December 12, 2016 denial of two petitions for writ of certiorari. As such, I am fully familiar with the Settlement’s provisions, including the provisions (1) regarding who is able to render a Qualifying Diagnosis after the Effective Date of the Settlement and (2) for selecting qualified medical professionals to examine Retired NFL Players. I am writing to demand that you immediately cease and desist false and misleading communications concerning the medical providers who are able to provide Class Members with the Qualifying Diagnoses for benefits under this Settlement at this juncture.

Yesterday, my law firm received the attached e-mail message from your organization, which was forwarded to us by a concerned Class Member. The email has the subject heading “Maximize Your Financial Award//Concussion Case Management, dated May 25, 2017 (copy attached). Your email included the following language: “Independent Physicians - Nationwide network of physicians who are qualified to perform the required neurological assessment, should you decide not to use the NFL physician group.”

First, after the Effective Date of January 7, 2017, the Qualifying Diagnoses necessary to qualify for Monetary Awards may be made **only** by Qualified BAP Providers and Qualified MAF Physicians. A copy of the Settlement is publicly available, including at the settlement website, www.NFLconcussionsettlement.com. See Section 6.3(b) of the Settlement Agreement. Indeed, the district court presiding over the Settlement has explicitly recognized that “[a]fter the Effective Date of the Settlement, only pre-approved Qualified MAF Physicians and Qualified BAP Providers may render Qualifying Diagnoses.” *In re Nat’l Football League Players’*

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Concussion Injury Litig., 307 F.R.D. 351, 366 (E.D. Pa. 2015). Your representation that so-called “Independent Physicians” outside of the Settlement Program could “perform the required neurological assessment” at this point in time is therefore patently false. At this point, there is absolutely no option to obtain a Qualifying Diagnosis outside of the Settlement Program.

Second, your statement that the Settlement’s medical providers are “the NFL physician group,” implies that they were selected by the NFL and therefore subject to its control. You also suggest that your network of physicians (who cannot provide Qualifying Diagnoses at this juncture) are “independent,” while the medical providers in the Settlement Program are not. This completely mischaracterizes the provider selection process. Section 5.7 of the Settlement governs the selection of Baseline Assessment Program (“BAP”) medical professionals. It provides:

Within ninety (90) days after the Effective Date, *the BAP Administrator* will establish and maintain a network of Qualified BAP Providers to provide baseline assessment examinations to Retired NFL Football Players, and to provide medical treatment to Retired NFL Football Players who receive BAP Supplemental Benefits, as set forth in Section 5.11. *The BAP Administrator’s selection of all Qualified BAP Providers will be subject to written approval of Co-Lead Class Counsel and Counsel for the NFL Parties[.]*

(Emphasis added.)

Similarly, Section 6.5 provides the Settlement’s selection guidelines for Monetary Award Fund (“MAF”) physicians. This section states:

Within ninety (90) days after the Effective Date, *the Claims Administrator* will establish and maintain a list of Qualified MAF Physicians eligible to provide Qualifying Diagnoses. Each Qualified MAF Physician shall be approved *by Co-Lead Class Counsel* and Counsel for the NFL Parties, which approval shall not be unreasonably withheld.

(Emphasis added.)

Thus, the Settlement makes clear that court-approved administrators are to make medical provider selections, and that Co-Lead Class Counsel has a voice in this process. It is therefore grossly misleading for you to characterize the medical providers in the Settlement Program as “the NFL physician group” and to imply that they are not “independent.” Your solicitation can only sow confusion among class members and foster mistrust of the negotiated benefit implementation structure.

Accordingly, I demand that you immediately (1) cease and desist your false and misleading statements regarding who can provide Class Members with Qualifying Diagnoses at this juncture; (2) cease and desist your false and misleading characterization of the medical

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providers in the Settlement Program as “the NFL physician group,” and not “independent”; and (3) provide us prompt written assurance within ten days that you will cease and desist from further false and misleading statements and characterizations of the Settlement’s medical providers and provide us with the list of those Class Members to whom you sent this email. Should you fail to take these steps, we intend to seek the court’s prompt intervention to bring a halt to your actions.

If you have any questions, please contact me.

Very truly yours,



Christopher A. Seeger

Encl.

From: Concussion Case Management [<mailto:geoff.beyer=concussioncase.com@mail204.atl81.rsgsv.net>] **On Behalf Of** Concussion Case Management

Sent: Thursday, May 25, 2017 9:09 AM

To: [REDACTED]

Subject: Maximize Your Financial Award//Concussion Case Management



You played in the league for years and you may be suffering from the consequences of the game. Concussion Case Management, LLC ("CCM") is a player advocacy company which is specifically positioned to help you

is a player advocacy company which is specifically positioned to help you navigate the medical assessment and administrative processes which must be completed to obtain your potential settlement from the NFL.

Concussion Case Management

Typical Attorney fees are **more than double** our fee

Ensure that **you** the player are getting the absolute most out of your settlement



Understanding and meeting the requirements of the complex NFL Concussion Fund Settlement Agreement can be difficult and confusing. Failure to properly comply with the Settlement Agreement could put your potential monetary award

comply with the Settlement Agreement could put your potential monetary award at risk. It is important to note that players MUST sign up for the Settlement prior to the August 7, 2017 deadline in order to receive benefits today, tomorrow, or at any time in the future.

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You have options available for assistance and the services and costs vary significantly. We encourage you to take the time to evaluate your options and choose which one is best for you and your family.

By choosing Concussion Case Management, LLC ("CCM") you and your family will join our team of dedicated professionals who will guide you step-by-step through the complex settlement process.

CCM is here to provide players with:

} **A Player Advisor** - Your personal "Player Administrator" will assist you throughout every phase of the claims process. The CCM team is focused solely on the NFL Concussion Settlement Case

} **A Dedicated Legal Team** - Our attorneys and legal team will review your submission to ensure that all documentation meets the requirements of the Settlement Agreement

} **Independent Physicians** - Nationwide network of physicians who are qualified to perform the required neurological assessment, should you decide not to use the

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} **Independent Physicians** - Nationwide network of physicians who are qualified to perform the required neurological assessment, should you decide not to use the NFL physician group



Registering for the Settlement, finding an appropriate physician, filing your claim, and obtaining your award can be complex and challenging.

CCM is here to provide you and your family with a one-stop shop for processing your claim and providing a fair and accurate evaluation of your potential financial award.

□

Happy to help.

We are here to be your advocate.

Please feel free to call us at [757-542-0635](tel:757-542-0635), email us at info@concussioncase.com, or contact us through our website www.concussioncase.com with any questions.

We look forward to speaking with you.



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You are receiving this email because you are a retired NFL player.

Our mailing address is:

Concussion Case Management

206 Packets Court

Suite A

Williamsburg, Va 23185

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